

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

AdjustaCam LLC,

Plaintiff,

vs.

Amazon.com, Inc., *et al.*

Defendants.

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Civil Action No. 6:10-CV-329-LED

JURY TRIAL

DECLARATION OF DEFENDANT DELL INC.


I, Anthony E. Peterman, provide this declaration on behalf of Defendant Dell Inc., and declare as follows on its behalf:

1. I am over the age of 18 and am competent to make this declaration. I have personal knowledge of the matters stated herein and would testify that they are true if called upon to do so.
2. I am employed by Dell Inc. ("Dell") and my title is Legal Director, Patents. I have been employed as a lawyer for Dell since 1998, and I am responsible for patent management at Dell.
3. If an inquiry or demand related to alleged patent infringement is received at Dell, it is routed to Dell's legal department in Round Rock, Texas. Such a demand made prior to the filing date of a lawsuit would be considered an assertion and a matter would be opened in the legal records of open matters maintained in the legal department in Round Rock, Texas.
4. On July 2, 2010, AdjustaCam LLC ("AdjustaCam") filed a Complaint accusing Dell of infringing U.S. Patent No. 5,855,343 ("the '343 Patent").

5. Dell has reviewed the legal records and did not locate any documents reflecting in any way that Dell received a communication from AdjustaCam or one of its predecessors-in-interest regarding the '343 Patent, including but not limited to any allegation of infringement prior to the filing of the Complaint on July 2, 2010. The purpose of this review and search was to determine whether Dell had received any document or record reflecting any communication from AdjustaCam or one of its predecessors-in-interest regarding the '343 Patent prior to July 2, 2010, that could be construed as actual notice of alleged infringement of the '343 Patent.

6. Having conducted a thorough search of our legal records, I can say with reasonable certainty that no communication that could be construed as actual notice of alleged infringement of the '343 Patent was received by Dell prior to July 2, 2010.

I declare the foregoing to be true and correct statement of Dell and do so under the penalty of perjury on this 2nd day of August, 2011



Anthony E. Peterman